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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Scott Anthony Backus,

Plaintiff,

vs.

Jamie Gissel, et al.,

Defendants.

No. CV 08-2320-PHX-GMS (JRI)

ORDER

Plaintiff Scott Anthony Backus brought this civil rights action under 42 U.S.C. § 1983 against City of Mesa Police Officer Jamie Gissel. The Court granted Defendant's motion to dismiss and entered judgment on October 14, 2010 (Docs. 45-46). Plaintiff has now filed a motion for continuance to file an appeal and a motion for waiver of appeal requirements (Docs. 47-48).

Plaintiff's motion for continuance to file an appeal identifies the Court's Order dismissing this action as the basis for a notice of appeal. Additionally, Plaintiff's motion was filed within 30 days of the Court's entry of judgment. Fed. R. App. P. 4(a)(1)(A). Because Plaintiff's motion satisfies the requirements for a notice of appeal, see Federal Rule of Appellate Procedure 3(c), the Court will construe Plaintiff's motion as such and direct the Clerk of Court to forward it to the Ninth Circuit Court of Appeals.

As for Plaintiff's motion to waive requirements, that motion will be denied without prejudice to refile in the court of appeals identifying the requirements from which he requests to be excused.

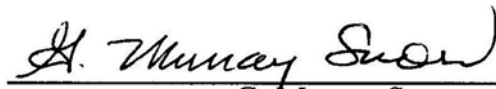
IT IS ORDERED:

(1) Plaintiff's Motion for Continuance (Doc. 47) is **construed** as a Notice of Appeal.

(2) The Clerk of Court must forward Plaintiff's Notice of Appeal to the Ninth Circuit Court of Appeals.

(3) Plaintiff's Motion to Waive Requirements (Doc. 48) is **denied** without prejudice to refiling in the Ninth Circuit Court of Appeals.

DATED this 22nd day of November, 2010.



G. Murray Snow
United States District Judge